

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MANUEL HILL,

Plaintiff,

vs.

RODERICK HICKMAN, et al.,

Defendants.

No. C 07-05125 JF (PR)

ORDER DENYING MOTION
TO STRIKE AND MOTION TO
DISMISS; GRANTING
MOTION FOR EXTENSION OF
TIME TO FILE REPLY

(Docket No. 15)

Plaintiff, a California prisoner incarcerated at Pelican Bay State Prison ("PBSP") and proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 against California state prison officials. Defendants have filed a motion to strike Plaintiff's opposition as untimely and a motion to dismiss the complaint for failure to prosecute. (Docket No. 15.) Defendants' motions are DENIED in light of Plaintiff's pro se and incarcerated status. The Court will consider Plaintiff's opposition notwithstanding its untimeliness.

In the alternative, Defendants request an extension of time to file a reply to Plaintiff's opposition. (Docket No. 15.) Good cause appearing, Defendants' motion for an extension of time to file a reply is GRANTED. Defendants shall file a reply **no later than September 15, 2008**.

IT IS SO ORDERED.

DATED: 8/14/08


JEREMY FOGEL
United States District Judge